

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	NO. 1:16-CR-82
	:	
v.	:	(Judge Kane)
	:	
SCOTT LANE, BRUCE EDGECOMBE,	:	
WILLIAM STAPLES, and	:	
DYLAN HEATHERLY	:	(Electronically Filed)
Defendants.	:	

DEFENDANTS PROPOSED JUROR QUESTIONNAIRE

Defendants, by and through their counsel of record, hereby jointly file their
Proposed Jury Questionnaire.

Dated: September 5, 2017

<u>/s/ Robert J. Daniels</u> Robert J. Daniels , Esquire Attorney I.D. # 83376 218 Pine Street P. O. Box 886 Harrisburg, PA 17108-0886 (717) 232-1851	<u>/s/ Gerald A. Lord</u> Gerald A. Lord, Esq. Lord Law, LLC 45 N. Queen Street York, PA 17403
<u>/s/ Ann E. Ariano</u> Ann E. Ariano, Esq. Law Office of Ann E. Ariano 6121 Chatham Ct Harrisburg, PA 17111	<u>/s/ M. Jason Asbell</u> M. Jason Asbell, Esq. Gibbel, Kraybill & Hess, LLP 2933 Lititz Pike P.O. Box 5349 Lancaster, PA 17606

UNITED STATES v. SCOTT LANE, BRUCE EDGECOMBE,
WILLIAM STAPLES, and DYLAN HEATHERLY
CR 16-082

JUROR QUESTIONNAIRE

Please answer each question as completely and accurately as you reasonably can. Your complete, written answers will save a great deal of time for the judge, the lawyers, and yourself.

What is needed is your very best, honest effort to answer the questions contained in this questionnaire.

If there is not sufficient space provided for you to write your full answer, do not write on the back of the page. Instead, use the bottom of the page on which the question appears, or, if more space is required, please use the blank page at the end of these papers.

The sole purpose of the questionnaire is to encourage your full expression and candor so that both the United States Government and the Defendant will have a meaningful opportunity to select a fair and impartial jury to try the issues of the case.

As you fill out the questionnaire, please remember that you are under an oath to tell the truth, just as you would be if you were answering the judge's questions in the courtroom. Any information you provide will be kept confidential by the lawyers and the Court. As is its practice, the Court will use only juror numbers, rather than names, on the questionnaires, during jury selection, and during the case. Accordingly, please only indicate your juror number rather than your name. Finally, for certain questions, you have the option of checking a box indicating that you would prefer not to state your answer in front of the rest of the jury pool.

The information provided will be disclosed only to the trial judge and counsel. This questionnaire will be destroyed once the jury is selected. Please read each question carefully and answer each question completely. Should you require assistance, please notify court personnel in the jury assembly room.

Thank you.

PLEASE USE AN INK PEN AND PRINT LEGIBLY

When you have completed the questionnaire, please return it to the jury officer and do not discuss your answers with anyone.

Personal History - General

1. Juror No. _____
2. Age _____ Sex _____ Place of Birth _____
3. In what municipality do you live: _____
4. How long have you lived at your present address? _____

How long did you live at your immediately preceding address?

- _____
5. Do you own your home, rent, share an apartment, or live with parents or grandparents? (Please circle one)
 6. Describe your employment: _____

- _____
7. How long have you been at your present job?

- () More than 2 years
() 1 – 2 years
() Less than 1 year

8. In your job, do you have authority in:

- | | | |
|---------------------------------|---------|--------|
| a. Promotions, hiring or firing | () Yes | () No |
| b. Management decisions | () Yes | () No |

9. Do you have a part-time job?

- () Yes () No

If yes, describe _____

10. Please list your recent past employers and the nature of your employment with them.

11. Your relationship/ marital status is:

- () Separated () Married ____ years
() Never married () Widow
() Divorced () Widower
() Co-habiting

12. a. Do you have children? Yes () No ()

b. Do you have grandchildren? Yes () No ()

13. If you have any children or grandchildren, please list the following information (please do not include names):

<u>Sex</u>	<u>Age</u>	<u>Live with you?</u>	<u>Education</u>	<u>Occupation</u>
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1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

14. If married or co-habiting, please list their occupation.

15. Are you currently enrolled in school?

() Yes () No

If so, what are you studying? _____

16. What is your highest level of education? _____

What is the highest level of education of your spouse/ domestic partner?

17. If you attended college, what college did you attend?

18. What subjects did you major in while attending college/post graduate school?

19. Have you ever served in the armed forces?

() Yes () No

If so, what branch? _____

Highest rank attained? _____

Served from _____, _____ to _____, _____

Overseas service? Yes () No ()

If yes, where? _____

20. What community, civic, political, social, professional or trade clubs or organizations, social media groups (ie. Facebook), if any, do you belong to?

Computer and Internet Activity

21. On a scale of 1 to 5, with 5 being the more comfortable and 1 being the least, how would you rate your comfort level in understanding computer-related evidence and testimony?

22. Please list any websites that you visit regularly.

23. Do you regularly watch any local or national newscasts? If so, which ones and how frequently? _____

24. Do you regularly receive your local news via internet websites? If so, which ones and how frequently? _____

25. Do you have any training in the field of computers, or specialized knowledge of computers, the Internet, computer programming, networking, etc.?

() Yes () No

If yes, please explain:

26. Do you have any familiarity with video conferencing such as Skype, Zoom, or other video conferencing services?

() Yes () No

If yes, please explain:

Questions Relating to Pornography

27. Do you have any moral, religious, ethical or other personal belief that would prevent you from sitting in judgment of another human being in a case where it is alleged individuals have viewed pornography over the internet?

Yes () No ()

If yes, please explain:

28. Do you have a strong belief that internet pornography, or pornography in general, should be outlawed or banned?

Yes ()

No ()

If yes, please explain:

29. Do you have any concern that your views, opinions and/or beliefs about pornography are so strong (either for or against) that you would be unable to be fair, objective and impartial in a case in which a conviction will be sought by the prosecution?

Yes ()

No ()

If yes, please explain:

Law Enforcement and Legal Experience

30. Have you or any family member ever held a job with any federal, state, or local law enforcement agency?

Yes ()

No ()

- (a) If yes, please describe who held the position, the agency, and the time period the position was held:

- (b) Is there anything about that experience that would affect your ability to be fair and objective toward either the government or the defendant in your consideration of the evidence in this case?

31. Have you ever served on a jury in either federal or state court?

Yes ()

No ()

If yes, what kind of case? _____

If yes, did you reach a verdict? Yes ()

No ()

32. Have you, your family members, or close friends had any experience with a government or law enforcement agency that would cause you to be biased for or against the government? In particular, this case was investigated in part by the United States Department of Homeland Security Investigations, and you may hear testimony from members of that agency. Does any prospective juror have any particular concern or problem with Homeland Security or any other law enforcement agency?

Yes ()

No ()

If yes, please explain:

33. Are you now, or have in the past been, employed in law enforcement (law enforcement is meant to include police officers, federal agents, military police, sheriffs, deputies, state and federal investigative agencies, and also all support personnel employed by law enforcement agencies)?

Yes ()

No ()

If yes:

a. By whom? _____

b. Where? _____

c. When? From _____, _____ to _____, _____

d. Describe the position: _____

34. If a member of your family or close personal friend has been involved in, or employed by, law enforcement, please answer the following:

(a.) About the relative or close friend:

1. Name: _____
2. Municipality: _____
3. Relationship to Juror: _____
4. Frequency of contact with juror:
Frequent () Infrequent () Occasional ()

(b.) About the relative's or close friend's law enforcement job:

1. Describe the position: _____
2. Employed by: _____
3. Where? _____
4. When? From _____, _____ to _____, _____

35. Are you a member of any organization or group that lobbies or takes public positions on the subject of criminal law enforcement?

Yes () No ()

36. Do you have any business or other dealings with any law enforcement agency, federal, state or local, or with any of their employees, officials or agents?

Yes () No ()

37. Have you, or has any close friend or relative, ever worked as a lawyer, for a lawyer or in a law office?

Yes () No ()

If yes, please explain:

38. Have you, or has any close friend or relative, had any legal training (including law courses, paralegal program or on-the-job training)?

Yes () No ()

If yes, please explain:

39. Do you have any preference, bias or prejudice concerning the police or law enforcement agencies generally that would lead you to be either in favor of or against the prosecution in a criminal prosecution?

Yes () No ()

40. Have you, or any member of your family, or close friend, ever taken a course in the administration of justice or studied law?

Yes () No ()

If yes, please give details:

41. Would you be inclined to believe a witness more readily because the witness is a police or law enforcement officer than if he were not?

Yes () No ()

If yes, please explain:

42. Would you be inclined to disbelieve a witness because the witness is a police or law enforcement officer?

Yes () No ()

If yes, please explain:

43. Have you, or has any member of your family, or any close friend, or any close relative, ever been accused of, arrested for or charged with a crime?

Yes () No ()

If yes, please provide the following:

Relationship of
person charged

(myself, sister, etc.)

Crimes charged

Case outcome

44. Would any of these incidents affect your ability to decide this case fairly and impartially on the evidence presented and the law as stated by the Court?

Yes () No ()

45. How did you, or the person close to you, feel that the police or law enforcement authorities handled the situation?

46. If any of these incidents that you, or a person close to you, experienced had an effect on you and your attitude about crime, please describe the effect on you:

47. Have you ever had to appear in court, or in any court proceeding, as a plaintiff, defendant, victim, or witness for any reason other than you have already explained above?

Yes () No ()

If yes, please state when and explain why you appeared in court:

Physical and Sexual Abuse

48. The evidence presented in this case may involve graphic depiction or description of child sexual abuse. The images you may be asked to view or hear about are disturbing and alarming. The images are unquestionably distasteful, offensive, and unpleasant to view. Do you feel you could sit as a juror in such a case?

Yes () No ()

49. Do you feel you could remain fair and impartial and reach a verdict on the evidence alone, and not solely impact of the images and/or videos?

Yes () No ()

50. Have you ever been sexually abused?

Yes () No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

51. Has any family member or close friend ever been sexually abused?

Yes () No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

52. Have you, any family member, or close friend ever been accused of physically or sexually abusing anyone, including a child?

Yes () No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

53. Have you ever known anyone who was falsely accused of sexual abuse?

Yes ()

No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

54. Have you ever known anyone who made a false accusation of sexual abuse?

Yes ()

No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

55. Have you ever been called as a witness in any kind of court proceeding relating to a sexual abuse?

Yes ()

No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

56. Have you had any contact with police officers, social workers, or court personnel regarding sexual abuse?

Yes ()

No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

57. If you answered "yes" to any questions 48-56 above, is there anything about your experience that would affect your ability to be fair and objective toward both the government and the defendant in your consideration of the evidence in this case?

Yes ()

No ()

If yes, please explain:

58. Have you, any family member, or close friend ever been required to register as a sex offender or to seek treatment for any sex-related conduct?

Yes ()

No ()

[] I would prefer to state my answer outside the presence of the other potential jurors.

Sexual identification

59. Some or all of the individuals involved in this case have identified as gay/homosexual. There may be description of graphic sexual activity between two males. Would that fact alone affect the way you view the evidence in this case?

Yes ()

No ()

If yes, please explain:

60. Do you have any religious, moral, or ethical belief that would prevent you from rendering a fair and impartial verdict involving individuals who identify as homosexual/gay?

Yes ()

No ()

If yes, please explain:

61. Some of the acts described and evidence submitted may be sexually graphic. Do you feel you could freely discuss this evidence with other jurors?

Yes ()

No ()

62. Do you feel you would be influenced in any way by an individual's sexual orientation?

Yes ()

No ()

If yes, please explain:

Punishment and Sympathy

63. Do you, or does anyone close to you hold any belief that the United States has no authority over its citizens such that you could not sit as a fair and impartial juror in this case?

Yes ()

No ()

64. Do you believe it is inappropriate for law enforcement to engage in undercover activity in an attempt to identify internet users who access child pornography?

Yes ()

No ()

65. Do you hold any philosophical, moral, or religious belief which would make it difficult to sit in judgment on another human being?

Yes ()

No ()

66. The potential punishment for the offense charged in the indictment is a matter that should not be considered by the jury in any way in arriving at an impartial verdict as to the guilt or innocence of the accused. Can you put aside concerns about potential punishment in arriving at a fair and impartial verdict in this case?

Yes ()

No ()

67. If the Court instructs you that your verdict must not be based on sympathy, passion, or prejudice, but only on the evidence presented in this case, on other words, you must decide on a verdict on the facts alone, will you be able to follow that instruction?

Yes ()

No ()

Miscellaneous

68. The defendant in a criminal case is presumed to be innocent unless and until proven guilty beyond a reasonable doubt. A reasonable doubt is a fair doubt based on reason, logic, common sense, or experience. It is a doubt that an ordinary reasonable person has after carefully weighing all the evidence, and is a doubt of the sort that would cause him or her to hesitate to act in matters of importance in his or her own life. Would you have any problem following the Court's instruction holding the Government to this standard?

Yes ()

No ()

69. In a criminal case, an arrest, or being charged does not mean that the person is guilty of a crime. Would you have a problem following the Court's instruction that a person is not guilty of a crime simply because that the person was arrested or indicted?

Yes () No ()

70. The judge will instruct you as to the law of the case. Will you have a problem in following and applying the law which the judge instructs?

Yes () No ()

71. Have you ever served as a juror at a trial before?

Yes () No ()

(a) If no, please go to Question 71 (f).

(b) If yes, please complete the following for each trial on which you served as a juror:

<u>Criminal or Civil case</u>	<u>Main Charge</u>	<u>When did you serve</u>	<u>Where did you serve</u>	<u>Did the jury reach a verdict: (Y or N)</u>
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1. _____
2. _____
3. _____
4. _____
5. _____

(c) Have you ever served as a jury foreperson Yes () No ()

(d) How did you feel about your experience as a juror?

(e) Was there anything about your experience as a juror which would make you not want to serve again?

(f) Have you ever served as a juror on a grand jury?

Yes () No ()

72. Do you have any medical problems/conditions that might interfere with your service as a juror?

Yes () No ()

If yes, please explain:

73. Are you taking any medication which causes drowsiness or interferes with your ability to concentrate and give your full attention.

Yes () No ()

80. Do you have difficulty seeing or hearing, or reading and understanding the English language?

Yes () No ()

If yes, please explain:

74. Have you ever had an unfavorable experience with a lawyer or judge?

Yes () No ()

If yes, please explain:

75. Have you heard anything about this case since coming to the Courthouse for jury duty?

() Yes () No

If yes, what have you heard?

76. Have you formed any fixed opinions about the guilt or innocence of the defendant in this case as a result of what you may have heard about the case from any source?

() Yes

() No

If yes, please explain:

77. Do you know any of the defendants' lawyers?

Yes ()

No ()

If yes, please explain:

78. Do you know the anyone from the United States Attorney's Office or anyone employed by the United States Attorney's Office?

Yes ()

No ()

If yes, explain whom you know and your relationship with that person:

79. Are you related to, or close personal friends with any attorneys, judges, or court personnel?

Yes ()

No ()

If yes, whom? _____

Nature of relationship? _____

80. Do you have any prejudice, bias or sympathy with reference to either the prosecution or the defendant on trial (because of anything you heard, read, or saw for any other reason) which would prevent you from rendering a fair and impartial judgment based solely on the evidence presented in court?

Yes () No ()

81. It is anticipated that the length of this trial will be approximately two weeks (2) (including jury selection). Knowing that, would you suffer any hardship as a result of serving on this jury?

Yes () No ()

If yes, please explain:

82. If you sit as a juror in this case, the judge will instruct you to put out of your mind any information, impressions or opinions about the case that you received from the news or otherwise, and to base your verdict solely on the evidence that is presented in court. Will you be able to follow that instruction?

Yes () No ()

If no, please explain why you will not be able to follow that instruction:

83. If you sit as a juror in this case, the judge will instruct you to avoid: (a) exposure to any media coverage of the case; and (b) any discussion of the case by anyone. Will you be able to follow that instruction?

Yes () No ()

If no, please explain why you will not be able to follow that instruction:

WRITE SUPPLEMENTAL ANSWERS HERE WITH QUESTION NUMBER

CERTIFICATE OF SERVICE

On this date, I hereby certify that I served the foregoing document on the following using the CM/ECF system:

Meredith Taylor, Esquire
Assistant U.S. Attorney
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754

Respectfully submitted,

Dated: September 5, 2017

/s/ Robert J. Daniels
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